

Application Serial No. 10/086,805

REMARKS/ARGUMENTS

Claims 17-20 are pending and amended. Claim 20 has been amended to correct a typographical omission. Claims 17-19 have been amended to change their dependency to claim 20 and to correct syntax.

The foregoing amendments and following remarks are believed to place the application in condition for allowance.

Claims 1-6 and 9-11 were previously withdrawn from consideration pursuant to a restriction requirement. By this amendment, claims 7-8 and 12-16 are cancelled without prejudice.

The remaining independent claim, claim 20, stands rejected under 35 U.S.C. 102(b) as anticipated by Hollis (US 5,846,708). Reconsideration is requested and allowance of claims 17-20 is requested.

As previously noted to the Examiner, the method of claim 20 requires that the integrated array sensor and the detection step enable detection of the electrical signals produced on the test sites in the absence of external electrical signals to the test sites to determine which probes have interacted with an associated target molecular structure (such as described on page 16 of the specification).

However, in making the rejection in the current Office Action, the Examiner makes no mention of this claim limitation. Moreover, Hollis et al cannot be said to describe or suggest this limitation. To the contrary, the device of Hollis et al applies electrical signals to the test sites in order to determine which probes have bonded to an associated target molecular structure (See, e.g., Abstract). Moreover, fundamental to the Hollis et al electrical devices is the inclusion of circuitry for applying an electrical signal to the electrodes of the test sites.

For § 102 anticipation, a single reference must teach (i.e. identically describe) each and every element of the rejected claim. Jamesbury Corp. v. Litton Industrial Products, 756 F.2d 1556, 225 U.S.P.Q. 253 (Fed. Cir. 1985); and Atlas Powder v. E.I. du Pont, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984).

Accordingly, withdrawal of the rejection of Claim 20 (and its dependent claims 17-19) is respectfully requested.

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Applicant does not intend to surrender any range of equivalents under the Doctrine of Equivalents in regard to any claim limitation that appears in the final claims in any patent that may issue from this or any related application. Applicant expressly reserves the right to resort to the Doctrine of Equivalents for all limitations in regard to any future assertion of infringement of any claim, whether the limitation was present in an original claim or added by amendment a claim to or referenced in any argument to distinguish any claim from any prior art. All claims in any patent issued from this or any related application represent a statutorily presumed valid and patentable combination of structure and/or steps, and it is this combination which is presumed to patentably distinguish from the prior art, not any particular limitation of any claim.

Reconsideration and issuance of a notice of allowance is requested. In the event this response is not timely filed, Applicant petitions for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our Deposit Account No. 12-2355.

Respectfully submitted,

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By:

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent & Trademark Office to: Fax # (703) 872-9306, Attn: Examiner Nelson C. YANG, Group Art Unit 1641 on the date shown below.

Date: March 18, 2005

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